

**United States District Court**  
for the Northern District of Oklahoma

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Case No. 22-CV-196-JDR-MTS

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ROBERT W. GRAYSON JR.,

*Plaintiff,*

*versus*

KEVIN D. BUCHANAN; WILL DRAKE; LINDA THOMAS; JARED  
STIGLER; CHRIS CORNWELL; WASHINGTON COUNTY COMMIS-  
SIONERS; SCOTT OWEN,

*Defendants.*

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OPINION AND ORDER

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Plaintiff Robert W. Grayson Jr., appearing pro se, alleges that Defendants Washington County District Attorney Kevin Buchanan, Assistant District Attorney Will Drake, Judge Linda Thomas, Judge Jared Sigler, Officer Chris Cornwell, Washington County Commissioners, and Washington County Sheriff Scott Owen, all acting in their official capacities, failed to follow proper protocol concerning a wiretap and warrant which resulted in Mr. Grayson's arrest. Dkt. 2 at 6. Following the filing of motions to dismiss [Dkt Nos. 19; 21; 27; 28], Mr. Grayson requested leave to amend his complaint to assert claims against the Defendants in their individual capacities. Dkt. 36. The County and Sheriff Owen oppose the motion on the basis that the amendment would be futile. Dkt. 37. Also pending before the Court is Defendants' motion to strike documents. Dkt. 39. For the following reasons, Mr. Grayson's motion to amend his complaint is GRANTED and Defendants' motion to strike is GRANTED.

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“A document filed pro se is ‘to be liberally construed . . . .’” *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (quoting *Estelle v. Gamble*, 429 U.S. 97, 106 (1976)). Further, pro se litigants should be given reasonable opportunity to remedy pleading defects. *See, e.g., Reynoldson v. Shillinger*, 907 F.2d 124, 126 (10th Cir. 1990); *see also Jaxon v. Circle K Corp.*, 773 F.2d 1138, 1140 (10th Cir. 1985). Leave to amend a complaint should be freely given when justice so requires. Federal Rules of Civil Procedure 15(a). Mr. Grayson has complied with substantially all of Local Civil Rule 7-1(h) and his intent to amend is clear.<sup>1</sup> Mr. Grayson’s motion to amend his complaint is GRANTED.

Mr. Grayson has also filed separately “Documents in support of case# 22-CV-196 JFH-SH” with attachments. Dkt. 38. This document is designated as a “notice” on the docket but appears to provide support for Mr. Grayson’s claims asserted in his complaint and allege new claims against Sheriff Owen. *Id.* Sheriff Owen and the County ask that the submission be stricken from the record. Dkt. 39. Because the filing is not procedurally proper and because Mr. Grayson will now have an opportunity to include these documents in his amended complaint, the Defendants’ motion to strike the notice is GRANTED.

Mr. Grayson is directed to file an amended complaint by June 5, 2024.

DATED this 6th day of May 2024.




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JOHN D. RUSSELL  
United States District Judge

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<sup>1</sup> Mr. Grayson is advised that all future filing must comply with local rules and applicable federal rules. *See* Local Civil Rule 17-1(d); *see also Green v. Dorrell*, 969 F.2d 915, 917 (10th Cir. 1992). Failure to comply can result in denial of requested relief. *See, e.g., Loudermilk v. Stillwater Milling Co.*, No. 07-cv-118-TCK-FHM, 2008 WL 11380139, at \*4 (N.D. Okla. Oct. 9, 2008).